34587 - It is not permissible to sell something that will be used for sinful purposes

the question

I heard from one of the shaykhs that it is permissible to sell and sew women’s dresses that do not cover a woman properly, i.e., short dresses, and he quoted as evidence the fact that the Messenger of Allah (peace and blessings of Allah be upon him) gave ‘Umar ibn al-Khattaab (may Allah be pleased with him) a garment of red silk. When ‘Umar wore it and the Messenger of Allah (peace and blessings of Allah be upon him) saw him, he said to him: “I gave it to you so that you could give it to someone as a gift, not so that you could wear it.” So ‘Umar gave it to one of the people who had been his friends during the Jaahiliyyah, or some such. Is what he says correct? If it is correct, can this be used as an analogy to permit the sale of cigarettes and tobacco, and women’s pants, and men’s and women’s swimsuits, although Allaah says in His Book (interpretation of the meaning): “Help you one another in Al-Birr and At-Taqwa (virtue, righteousness and piety); but do not help one another in sin and transgression” [al-Maa’idah 5:2]. Please explain, because there cannot be any contradiction between the Qur’aan and Sunnah.

Detailed answer

Praise be to Allah.

This hadeeth was narrated by al-Bukhaari, Muslim and others in several places and with several isnaads, such as the report narrated by al-Bukhaari in the chapter on trade (tijaarah), concerning what it is makrooh for men and women to wear, via Saalim ibn ‘Abd-Allah ibn ‘Umar from his father who said: The Prophet (peace and blessings of Allah be upon him) sent to ‘Umar a hullah (two piece suit) made of silk, and he saw it on him (i.e., saw him wearing it). He said: “I did not send it to you for you to wear it, for it is worn by one who has no share in the Hereafter. Rather I sent it to you so that you can benefit from it” – i.e., sell it. This hadeeth indicates that it is

permissible to deal in clothes that we are permitted to use in one way but not in another, and it is permissible to give them as gifts and donations, but the one to whom it is given or donated has to use it the manner which is permitted, not in the manner that is forbidden. For example:

Gold jewellery, weapons, knives, grapes, etc, which can be used in permissible ways or in haraam ways. It is permissible to deal in them and to give them as donations and gifts, so long as the one who buys them or is given them will use them in permissible ways, such as selling them, giving them, etc, and he will not make use of them in haraam ways.

But if the thing is something which it is haraam to use in any way and under any circumstances, then it is not permissible to deal in it or to give it as a gift, such as pigs, lions and wolves. There is nothing in the hadeeth to indicate that it is permissible to sell the things mentioned, so it is not correct to draw an analogy between selling cigarettes, tobacco, and men’s and women’s bathing suits, and selling things that may be used in some ways but not others or in some situations and not others, because it is haraam to use these things in all cases.

And Allah is the Source of strength.